

#6/Election
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Angela Gibson Angela Gibson, Assistant to Gavin N. Manning

S660 0009
GNM/ob/ag

Paper No.: _____

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Inventor(s): SACKS, Abraham; RUGINA, Narcis; SACKS, Jeffrey L.; DAVIS, Harold R.; SPILCHEN, William
Title: SELF-STIFFENED WELDED WIRE LATH ASSEMBLY
Serial No.: 09/927544
Filed: 13 August 2001
Examiner: Jeanette E. Chapman Art Unit: 3635
Date: 16 December 2002

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

RESPONSE TO RESTRICTION REQUIREMENT

This is in response to the Office Action mailed on 15 November 2002.

The Examiner has requested election between Group I containing claims 1 through 36 and Group II containing claims 37 through 43. The Applicant elects Group I (claims 1-36) with traverse.

The Examiner alleges that the combination as claimed [in claim 37] does not require the particulars of the subcombination as claimed [in claims 1 and 8] for patentability. The Applicant submits that this is incorrect. Claim 37 recites a wire lath having all of the features set out in claim 8. Claim 37 clearly requires the particulars of the subcombination, as claimed, for patentability. The basic idea of attaching a wire lath to a building structure comprising a plurality of generally parallel framing members is well-known. The invention,

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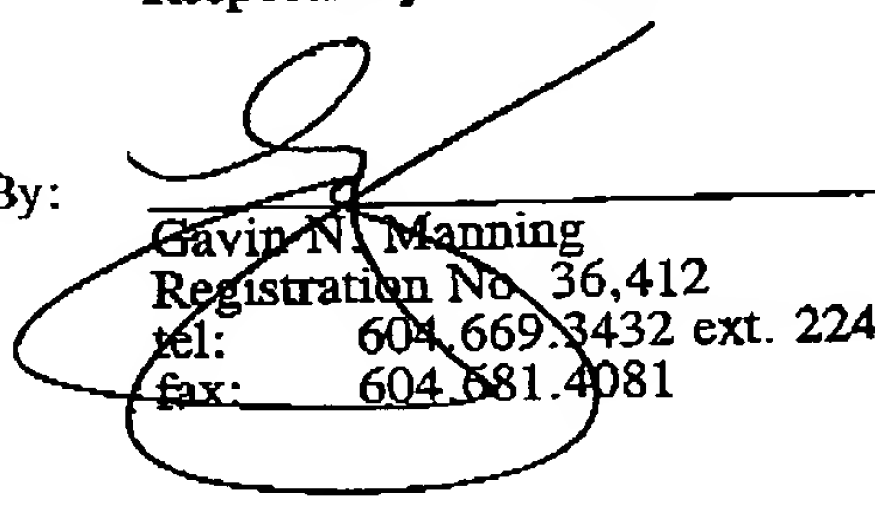
in this case, lies in the structure of the wire lath and, in the case of claims 37 to 43, in the combination of that wire lath structure with other elements of a building structure. Therefore, the Applicant submits that Groups I and II are not distinct according to the test set out in MPEP § 806.05(c).

The Examiner has further requested an election of species. The Examiner has identified five species which the Examiner alleges to be distinct. The Applicant elects the species of Figure 6 for further prosecution in the event that no generic claim is held to be allowable, currently claims 1, 2, 3, 4, 5, 8, 9, 10, 11, 13, 14, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 36, 37, 38, 39, 40, 41, 43 read on this species.

The Applicant looks forward to receiving further favourable action on this application.

Respectfully submitted,

By:


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AMENDMENT TRANSMITTAL

To: Commissioner for Patents
Washington, D. C. 20231

Dear Sir:

Transmitted herewith is a Response to Restriction Requirement.

- ☒ Please charge any fees in connection with this communication, including any filing fees under 37 CFR 1.16 for the presentation of extra claims and any patent application processing fees under 37 CFR 1.17, or credit any overpayment, to Deposit Account No. 02-1037.
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Respectfully submitted,
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DATE: 16 December 2002

To: Commissioner for Patents
Washington, D.C.
20231

Re: Response to Office Action mailed 15 November 2002

Inventor(s): SACKS, Abraham; RUGINA, Narcis; SACKS, Jeffrey L.; DAVIS, Harold E.
SPILCHEN, William

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From: Gavin N. Manning

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RESPONSE - 2 PAGES

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